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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,800	09/28/2000	Bulent M. Basol	2022/48819	7925

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EXAMINER

LEADER, WILLIAM T

ART UNIT	PAPER NUMBER
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1742

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/671,800

Applicant(s)

BASOL ET AL.

Examiner

William T. Leader

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 93 and 95-101 is/are pending in the application.
- 4a) Of the above claim(s) 97-99 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 93, 95, 96, 100 and 101 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 11, 2005 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 93, 95, 96, 100 and 101 are rejected under 35 U.S.C. 102(e) as being anticipated by Mayer et al (6,315,883) for the reasons given in the previous office action and in view of the following comments
4. Claims 93, 95, 96, 100 and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer et al (6,315,883) for the reasons given in the previous office action and in view of the following comments.
5. The Remarks filed by applicant on November 12, 2004 has been carefully considered but are not deemed to be persuasive. In the Remarks, applicant points that the claims have been amended to include the recitation "as deposited". The addition of this limitation is not

considered to distinguish applicant's claimed product from that of Mayer et al. The limitation "as deposited" is considered by the Examiner to be a process-related limitation pertaining to the time at which the structure recited by applicant is formed. However, the claims are directed to a product. Even if the product of Mayer et al is formed at a different point in the process, applicant's claims are still considered to read on the product of Mayer et al. The product as claimed by applicant is considered to be anticipated or at least obvious over the product depicted in the figure on the front of the Mayer et al patent.


6. At is additionally noted that claim 93 refers to "the thickness of the planar conductive layer within the cavity portion" in lines 8-9. However, lines 4-5 recite that the cavity portion includes a first and a second cavity. While the claims include limitation related to the width of these cavities, there are no limitations with respect to the depth of the cavities. It is the depth of the cavities that determines the thickness of the conductive layer. There is no requirement that the first and second cavities be of equal depth. Thus, one cavity could be quite shallow while the other is quite deep. There is also no limitation that the depth of either of the cavities be constant. Thus, one cavity could vary from shallow to deep across the width of the cavity. Since the depth of the cavities can assume any value, there need be no one "thickness of the planar conductive layer within the cavity portion". Thus, while the thickness range of the conductive layer over the surface portion may be between one tenth and one half of the thickness of the conductive layer *at one point* in the cavity portion, the thickness over the surface may assume a wide range of values, from virtually nonexistent to very thick because there is no requirement for single depth of the cavities.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to William T. Leader whose telephone number is 571-272-1245. The examiner can normally be reached on Mondays-Thursdays and alternate Fridays, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King, can be reached on 571-272-1244. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


William Leader
May 24, 2005


ROY KING
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700